

**ATTORNEY DOCKET NO.
020533.0197 (2001P20554US01)****JAN 12 2007****PATENT APP. SERIAL NO.
09/712,017****REMARKS**

Claims 5, 21, 31, 61, 83-85 have been amended. New claims 86-89 have been added. No claims have been cancelled by way of this response. Thus, claims 5-11, 16-18, 21-26, 31-33, 35-41, 61, 68, 69, and 71-79, 83-89 are pending in the application. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to rejections under Sections 112

Claims 83 and 84 stand rejected under 35 U.S.C. 112 as being indefinite. Applicants have amended claims 83 and 84 to recite "a predefined look-up table is not read in order to order identify the valid protocol". Applicants respectfully submit that those skilled in the art clearly understand that a look-up table is not used to identify the valid protocol. Therefore, claims 83 and 84 are not indefinite. Thus, Applicants further submit that the negative limitations of claims 83 and 84 are allowable as set forth by MPEP 2173.05(i). For the above reasons, Applicants respectfully request that the Examiner withdraw the Section 112 rejections.

Response to rejections under Sections 103

Claims 5-11, 16, 18, 21-25, 26, 31-33, 35-39, 41, 61, 68, 69, and 72-79 stand rejected under 35 U.S.C. 103(a) as being obvious over Romohr (USPN 5,596,723). Claims 17, 40, and 71 stand rejected under 35 U.S.C. 103(a) as being obvious over Romohr (USPN 5,596,723) in view

**ATTORNEY DOCKET NO.
020533.0197 (2001P20554US01)**

**PATENT APP. SERIAL NO.
09/712,017**

of Marullo et al. (USPN 6,185,701). For the reasons presented below, Applicants respectfully request the withdrawal of the Section 103 rejections.

Claims 5-11, 16-18, 83

Applicants independent claim 5 recites "configuration with the customer premises equipment without a user intervention" (see e.g., page 5 lines 21-24). In contrast, Romohr teaches configuration with a user intervention such as prompting via a Graphical User Interface to enter the autoseup network environment and to accept the autoseup configuration (see e.g., Figures 4A-4M). Romohr teaches away from without a user intervention since Romohr requires user input to accept the autoseup configuration.

Futhermore, Applicants independent claim 5 to recites "automatically identifying a first and second valid protocol for configuration with the customer premises equipment (CPE) ... first and second valid protocols are different protocols" (see e.g., page 23 line 30 - page 24 line 2). The Examiner contents that it would be obvious to duplicate the methods and structure of Romohr for multiple effects. However, Applicants duplication does not result in multiple effects, rather if results in quite different effects. That is, the first identified protocol allows the CPE to communicate with a first element. The second identified protocol is a different protocol from the first protocol and allows the CPE to communicate with a second element. In contrast, a duplication of Romohr would result in identifying the same protocol and not identifying different protocols as claimed by Applicants.

In view of the above, independent claim 5 is patentable. Dependent claims 6-11, 16-18, and 83 are also patentable at least based on their dependency from claim 5 as well as based on

**ATTORNEY DOCKET NO.
020533.0197 (2001P20554US01)**

**PATENT APP. SERIAL NO.
09/712,017**

their own merit. Applicants respectfully request the withdrawal of the Section 103 rejection to claims 5-11, 16-18, and 83

Claims 21-26

Applicants independent claim 21 recites "configuration with the customer premises equipment without a user intervention." In view of the remarks made for claim 5, independent claim 21 is patentable. Dependent claims 22-26 are also patentable at least based on their dependency from claim 21 as well as based on their own merit. Applicants respectfully request the withdrawal of the Section 103 rejection to claims 21-26.

Claims 31-33, 35-41, 85

Applicants independent claim 31 recites communicating a signal "toward a service provider network element" (see e.g. FIG 1 & 2). In contrast, Romohr communicates a signal toward an element within the LAN. Communicating a signal toward the service provider network element is not a mere design change but facilitates learning a protocol used by the service provider element. If Applicants communicated the signal toward the LAN 22 (see e.g. FIG 1), as taught by Romohr the signal would be communicated away from the service provider network element and not toward the service provider network element. In view of the above, Applicants respectfully request the withdrawal of the Section 103 rejection to claim 31.

In view of the above, independent claim 31 is patentable. Dependent claims 32, 33, 35-41, and 85 are also patentable at least based on their dependency from claim 31 as well as based

ATTORNEY DOCKET NO.
020533.0197 (2001P20554US01)

PATENT APP. SERIAL NO.
09/712,017

on their own merit. Applicants respectfully request the withdrawal of the Section 103 rejection to claims 31-33, 35-41, and 85.

Claim 61

Applicants independent claim 61 recites "configuration with the customer premises equipment without a user intervention" and communicating a signal "toward a service provider network element". In view of the remarks made for claim 5 and claim 32 independent claim 61 is patentable, Applicants respectfully request the withdrawal of the Section 103 rejection to claim 61.

Claims 68, 69, 71-79

Applicants claim 68 to recites the "probing signal operable to identify ... without retrieving ... the valid protocol from a predefined look-up table" (see e.g., page 16, 19-21). In contrast, Romohr teaches retrieving the protocols to be identified from a predefined look-up table (see e.g., col 9 lines 50-56. In view of the foregoing remarks, Applicants respectfully request the withdrawal of the Section 102 rejection to claim 68.

In view of the above, independent claim 68 is patentable. Dependent claims 69, and 71-79 are also patentable at least based on their dependency from claim 68 as well as based on their own merit. Applicants respectfully request the withdrawal of the Section 102 rejection to claims 68, 69, 71-79.

ATTORNEY DOCKET NO.
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New claims further define the scope of the invention as described in the specification and drawings. In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claims 86-89 as patentable and request allowance of claims 86-89.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

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